FILED
OCT 25 1969
JOHN F. DAVIS, CLERK

In the Supreme Court of the United States

OCTOBER TERM, 1969

No. 679

DR. JONATHAN O. COLE, Superintendent,
Boston State Hospital

AND

DR. MILTON GREENBLATT, Commissioner,
Department of Mental Health
Commonwealth of Massachusetts,

APPELLANTS,

v.

LUCRETIA PETEROS RICHARDSON,

APPELLEE.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MOTION TO AFFIRM OR DISMISS

ERNEST WINSOR, ESQ.
JOHN F. COGAN, JR.
STEPHEN H. OLESKEY, ESQ.
HALE AND DORR
28 State Street
Boston, Massachusetts 02109
Attorneys for Appellee

Blanchard Press, Inc., Boston, Mass — Law Printers

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The appellee, Lucretia Peteros Richardson, pursuant to Rule 16 of the Rules of this court, hereby moves to affirm the decision of the court below on the ground that that decision is fully supported by prior decisions of this Court. In support of her motion, the appellee cites the following decisions: *Wieman* v. *Updegraff*, 344 U.S. 183 (1952); *Torcaso* v. *Watkins*, 367 U.S. 488 (1961); *Cramp*

v. *Board of Public Instruction*, 368 U.S. 278 (1961); *Baggett* v. *Bullitt*, 377 U.S. 360 (1964); *Keyishian* v. *Board of Regents*, 385 U.S. 589 (1967); *Whitehill* v. *Elkins*, 389 U.S. 54 (1967).

In the alternative, the appellee moves to dismiss the appeal on the ground of mootness in view of the following facts:

> At the time this case was heard and argued in the district court the appellee's job at Boston State Hospital was still in existence, but at or before the time the appellants filed their present appeal such job had been discontinued.

For the reasons stated above, appellee respectfully moves that this Court affirm the decision of the court below or dismiss the appeal in this case.

Ernest Winsor, Esq.
John F. Cogan, Jr.
Stephen H. Oleskey, Esq.
Hale and Dorr
28 State Street
Boston, Massachusetts 02109
Attorneys for Appellee